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Dallas, TX 75248		ART UNIT		PAPER NUMBER
		2179		

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,578	Applicant(s) FALK ET AL.	
	Examiner Steven B. Theriault	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/09/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Affidavit filed 03/9/2006 with a response to the office action mailed 12/16/2005

This action is made Final.

2. Claims 1 -20 are pending in the case. Claims 1, 15 and 20 are the independent claims.

Response to Declaration under 37 C.F.R. 1.131/1.132

3. The Affidavit filed on March 09, 2006 under 37 CFR 1.131/1.132 has been considered but is ineffective to overcome the effective filing date of Lloyd et al (U.S. Patent Publication No. **2005/0132284**), for at least the following reasons:

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country of NAFTA or WTO member country both prior to, and after the effective date of Lloyd et al, up to the date of constructive reduction to practice (i.e. filing date of the present application).

On page 6 of said affidavit, Applicant allegedly declares reduction to practice of his invention as supported in Exhibit A, page 2, and the XML Spy reference manual download available to the public prior to May 5, 2003. Exhibit A, and the manual disclose the features of the claimed invention within a software download made available to the public.

In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. The proof is demonstrated with satisfactory evidence of facts supporting priority of invention, said proof usually in the form of exhibits. Examples of support include, but not limited to, attached sketches, test results, blueprints, photographs, reproductions of notebook entries, models, statements by witnesses, interference testimony, and to prior submission of USPTO disclosure documents.

In view of the examples of the support as explained above, it is the Examiners opinion that the presented combination of evidence within Exhibit A and the supporting reference manual, is insufficient proof that the applicant's invention was reduced to practice before the filing date of

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the Lloyd reference because nowhere in the evidence does it suggest that the download of XML Spy product version 5 release 3 made available to the public on Jan. 22, 2003(See affidavit Para 14) actually contained the claimed features. The evidence also does not exist that the download with the claimed feature was operational on Jan. 22, 2003.

Moreover, the Applicant merely states that the said manual was written "under the direction" of the co-inventors and himself. The term "under the direction" is vague and can imply that the actual work, invention, was done by another. The examiner in a 102(a) rejection used the manual and the examiner can find no mention in the said manual where authorship was credited to either of the inventors of the present application. In fact, no authors were mentioned in the manual. Further, no other evidence has been presented to positively identify the inventors of the present application as authors of the manual. MPEP 715.01(c) II "derivation" as cited below:

715.01(c) [R-2] Reference Is Publication of Applicant's Own Invention

Unless it is a statutory bar, a rejection based on a publication may be overcome by a showing that it was published either by applicant himself/herself or on his/her behalf. Since such a showing is not made to show a date of invention by applicant prior to the date of the reference under 37 CFR 1.131, the limitation in 35 U.S.C. 104 and in 37 CFR 1.131(a)(1) that only acts which occurred in this country or in a NAFTA or WTO member country may be relied on to establish a date of invention is not applicable. *Ex parte Lemieux*, 115 USPQ 148, 1957 C.D. 47, 725 O.G. 4 (Bd. App. 1957); *Ex parte Powell*, 1938 C.D. 15, 489 O.G. 231 (Bd. App. 1938). See MPEP § 716.10 regarding 37 CFR 1.132 affidavits submitted to show that the reference is a publication of applicant's own invention.

I. >< CO-AUTHORSHIP

Where the applicant is one of the co-authors of a publication cited against his or her application, he or she may overcome the rejection by filing an affidavit or declaration under 37 CFR 1.131. Alternatively, the applicant may overcome the rejection by filing a specific affidavit or declaration under 37 CFR 1.132 establishing that the article is describing applicant's own work. An affidavit or declaration by applicant alone indicating that applicant is the sole inventor and that the others were merely working under his or her direction is sufficient to remove the publication as a reference under 35 U.S.C. 102(a). In *re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).

II. >< DERIVATION

When the unclaimed subject matter of a patent, application publication, or other publication is applicant's own invention, a rejection, which is not a statutory bar, on that patent or publication may be removed by submission of evidence establishing the fact that the patentee, applicant of the published application, or author derived his or her knowledge of the relevant subject matter from applicant. **Moreover applicant must further show that he or she made the invention upon which the relevant disclosure in the patent, application publication, or other publication is based.** In *re Mathews*, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969); In *re Facius*, 408 F.2d 1396, 161 USPQ 294 (CCPA 1969).

states that upon sufficient evidence that the applicant must further show that he or she actually made the invention for which the application is based. Accordingly, said affidavit is ineffective to overcome the effective filing date of the Lloyd et al reference at the present time (See MPEP 8th Edition, section 715.01 thru .07).

Request for Information Rule 1.105

4. Applicant and assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined reasonably necessary to the examination of the application.

The requirement for information is made necessary because of the statement made by the applicant that "XML Spy version 5 release 3" was made available to the public on January 22, 2003 in which the application name changed to "Stylevision5" at a later date. The Examiner does not have access to or have knowledge of all products and services that were made available to the public at the time of the invention, and before. The Examiner has accessed the Altova software archive (See screenshots reference on 892) and it appears that a version 5 release 1 and 2 were also available to the public as a download but do not include a reference manual explaining the features of those releases, and before. It seems unusual to not have manuals posted and available for the release 1 and 2 versions of the XMLSPY software, which span more than 6 months when the product as stated in the affidavit was downloaded and in use by multiple users and in normal software development a software build would incorporate release notes and documentation to turnover to not only technical support but also to prospective buyers.

The examiner has also searched the Wayback Machine and public search engines and the databases available to the PTO and cannot access a copy of versions 1 or 2 XML SPY 5 manuals. Based on information available to the examiner it appears that the software release is available to the public on the Altova software archive site but the links do not contain references to manuals. Most of the other versions of XML spy from version 4.0 forward contain a link to a manual but XML version 5 releases 1 and 2 do not. Further, the Examiner notes the NPL

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documents submitted with the affidavit contain subject matter for the XSLT designer and Document Editor features of the XML Spy version 4.4 application and covers the applications with a release date from 1998- 2001 (See copyright date on bottom of pages), where the latest version of XML spy that the Examiner can determine that the editor would apply to would be version 4.4 and a gap exists in available documentation for the XSLT designer and Document editor in release 5 version 1 and 2.

Additionally, since the application was available for download on a public site and was for sale, information regarding the first and subsequent invoices for the software that include the claim limitations along with receipts showing the money exchange between prospective buyers and the company can provide evidence to assist the Examiner in determining the actual on-sale date. In the affidavit the applicant claims the software was not known or available to the public as a software download prior to Jan 22, 2003 (see Altova archive page) however, advanced purchases and downloads could have transpired in which the software was available to the public earlier than 01/22/2003. Evidence such as Invoices and dealer or customer communications showing software sales and for notifying customers of the software download availability can also provide substantive information to aid the examiner in determining the on-sale date.

Therefore, the examiner is not able to fully search the relevant prior art. Identification of these prior art documents will greatly assist the Examiner in the prior art and prior public use examination of this application and the applicants know of such prior art, if they exist, and prior uses.

Unless otherwise specified, the information required is for that known by any inventor or the assignee before and up to the time of the application. Also, unless otherwise specified, all requirements for information are to be answered by all inventors, attorneys or agents, assignees, and others associated with the inventors or assignees that are or were substantively involved in the preparation or prosecution of this application.

Applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where applicant does not have or cannot readily obtain an item(s)

of required information, a statement that the item(s) is unknown or cannot be readily obtained will be accepted as a completed response to the requirement for that item. If the information is provided, and the examiner finds the information sufficient, the information can possibly lead to reconsideration by the examiner and a possible reopening of prosecution.

Claim Rejections – 35 USC § 102

5. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lloyd et al (hereinafter Lloyd) U.S. Patent Publication No. 2005/0132284 A1 issued June 16, 2005 and filed May 5, 2004.**

Please note that the effective filing date of Lloyd has been analyzed and found to be May 5, 2003. Provisional application 60/468,126 has been thoroughly reviewed and the disclosure fully describes the same invention as disclosed by Lloyd in US. Patent Application Publication 2005/0132284 A1, thus the earliest effective filing date of May 5, 2003 is appropriate.

In regard to **Independent claim 1**, Lloyd teaches a data processing system having a windows-based graphical user interface (GUI), the improvement comprising:

- *An integrated visual design environment having a first display panel in which a structured data source is displayed, and a second display panel for displaying a document being designed from the structured data source; (Lloyd figure 2 and Page 2, column 1, lines 60-65 and Page 7, column 2, lines 5-20)*
- *Code responsive to selection and positioning in the second display panel of given design elements or attributes from the structured data source for generating a meta style sheet; The examiner interprets a "single multi-purpose style sheet as a "meta" style sheet. Lloyd teaches as shown in figure 14, code is generated when attributes are modified. The code is inserted into the document along with the tags.*
- *Code for automatically generating from the meta style sheet two or more style sheets from within the integrated visual design environment, wherein each of the style sheets is useful for generating the document being designed in a given output format (Lloyd page 7, column 1, lines 40-55). The application contains instructions for presenting a menu to output a style sheet of format type of HTML, WML and PDF files where the application code is automatically generated when the user select the output selection from the menu to output the specific type. For example, the user selects output to HTML from the menu and the style sheet is scanned and a XSLT transformation occurs to output the HTML file.*

With respect to **dependent claim 2**, Lloyd teaches *the data processing system further including: code responsive to a given selection for selectively displaying a preview of a given one of the two or more style sheets (Lloyd page 7, column 1, lines 40-55 and Figure 18). Lloyd teaches the ability to export two or more style sheet types for display (see also figure 14) where the user can specifically select the output type they want to see.*

With respect to **dependent claim 3**, Lloyd teaches *the data processing system wherein the structured data source is an XML document* (Lloyd page 4, column 1, lines 1-15).

With respect to **dependent claim 4**, Lloyd teaches *the data processing system wherein the structured data source is a Document Type Definition (DTD)* (Lloyd page 4, column 1, lines 1-15). Lloyd teaches file types other than expressly mentioned may be accepted as input files, which can be a DTD source.

With respect to **dependent claim 5**, Lloyd teaches *the data processing system wherein the structured data source is an XML Schema* (Lloyd page 4, column 1, lines 1-15). Lloyd teaches the input can be native XML content, which would include XML attributes, elements and content (see also page 9, column 2, lines 20-40).

With respect to **dependent claim 6**, Lloyd teaches *the data processing system wherein the structured data source is a relational database* (Lloyd page 4, column 1, lines 4-6)

With respect to **dependent claim 7**, Lloyd teaches *the data processing system wherein the structured data source is an EDI document* (Lloyd page 4, column 1, lines 1-15). Lloyd teaches file types other than expressly mentioned might be accepted as input files, which can be an EDI source.

With respect to **dependent claim 8**, Lloyd teaches *the data processing system wherein the two or more style sheets include an XSLT style sheet for transforming the XML document into HTML* (Lloyd page 7, column 1, lines 35-50).

With respect to **dependent claim 9**, Lloyd teaches *the data processing system wherein the two or more style sheets include an XSLT style sheet to facilitate transformation of the XML document into PDF via XSL:FO* (Lloyd page 4, column 1, lines 20-25 and page 7, column 1, lines 35-50).

With respect to **dependent claim 10**, Lloyd teaches *the data processing system wherein the two or more style sheets include an XSLT style sheet for transforming the XML document into WML* (Lloyd page 3, column 2, lines 60-67 and column 2 lines 1-5).

With respect to **dependent claim 11**, Lloyd teaches *the data processing system wherein the integrated visual design environment also includes a display panel for manipulating schema elements and attributes* (Lloyd figure 2 and page 4, column 1, lines 60-67) Lloyd shows a display screen with multiple panels for modifying the elements and attributes of the input source files and applying style sheet attributes to specific code elements.

With respect to **dependent claim 12**, Lloyd teaches *the data processing system wherein the display panel for manipulating schema elements and attributes includes a text style display window and an associated control mechanism to provide text formatting* (Lloyd page 4, column 2, lines 40-50 and figures 3-11) Lloyd teaches a series of text style formatting windows

With respect to **dependent claim 13**, Lloyd teaches *the data processing system wherein the display panel for manipulating schema elements and attributes includes a block system display window and an associated control mechanism to provide block formatting* (Lloyd page 5, column 1, lines 20-40 and figure 12) Lloyd teaches an option for formatting that includes both block and formal block.

With respect to **dependent claim 14**, Lloyd teaches *the data processing system further including: code responsive to a given selection for selectively displaying a preview of an output document rendered as a result of applying a given one of the two or more style sheets* (Lloyd page 7, column 1, lines 40-55 and Figure 18). Lloyd teaches the ability to export two or more style sheet types for display (see also figure 14).

In regard to **Independent claim 15**, Lloyd teaches a data processing system having a windows-based graphical user interface (GUI), comprising:

- *A display environment having a first display panel in which a structured data source is displayed, and a second display panel for displaying a document being designed from the structured data source, wherein the data source is selected from a set of data sources including: an XML document, an XML schema, a DTD, an EDI document, a relational database, and a Web service;* (Lloyd figure 2 and Page 2, column 1, lines 60-65 and Page 7, column 2, lines 5-20) Lloyd teaches a first and second display panel as shown in figure 2. Lloyd also teaches where the input source can be XML, from a database and from file types other than XML.
- *Code responsive to selection and positioning in the second display panel of given design elements or attributes from the structured data source for generating given program code;* (Lloyd page 7, column 1, lines 7-40) The examiner interprets a "single multi-purpose style sheet as a "meta" style sheet. Lloyd teaches as shown in figure 14, code is generated when attributes are modified. The code is inserted into the document along with the tags.
- *Code for automatically generating from the given program code two or more program code instances from within the integrated visual design environment, wherein each of the program code instances is useful for generating the document being designed in a given output format* (Lloyd page 7, column 1, lines 40-55). The application contains instructions for presenting a menu to output a style sheet of format type of HTML,

WML and PDF files where the application code is automatically generated when the user select the output selection from the menu to output the specific type. For example, the user selects output to HTML from the menu and the style sheet is scanned and a XSLT transformation occurs to output the HTML file.

With respect to **dependent claim 16**, Lloyd teaches the data processing system wherein a given program code instance is an XSLT style sheet (Lloyd page 7, column 1, lines 45-55).

With respect to **dependent claim 17**, Lloyd teaches the data processing system wherein a given program code instance is code written in a programming language selected from a set of available language templates (Lloyd page 7, column 2, lines 50-60) Lloyd teaches where individual program elements which would include code for generating a style sheet can be programmed for a specific output format that is selected from a list shown in a display panel (see figure 2 # 216).

With respect to **dependent claim 18**, Lloyd teaches the data processing system further including: code responsive to a given selection for selectively displaying a preview of a given one of the program code instances (Lloyd figure 14) Lloyd shows a preview window where a given source code is displayed or previewed for the user.

With respect to **dependent claim 19**, Lloyd teaches the data processing system further including: code responsive to a given selection for selectively displaying a preview of an output document rendered as a result of applying a given one of the program code instances (Lloyd page 2, column 2, lines 1-15) Lloyd teaches the code selections can be automatically linked to a website where changes effect the site and are automatically seen or previewed by the user.

In regard to **Independent claim 20**, Lloyd teaches a display method operative in a data processing system having a windows-based graphical user interface (GUI), comprising:

- Displaying, in juxtaposition, a structured data source and a document being designed from the structured data source, wherein the data source is selected from a set of data sources including: an XML document, an XML schema, a DTD, an EDI document, a relational database, and a Web service; (Lloyd figure 2 and Page 2, column 1, lines 60-65 and Page 7, column 2, lines 5-20) Lloyd teaches a first and second display panel as shown in figure 2. Lloyd also teaches where the input source can be XML, from a database and from file types other than XML.
- Responsive to selection and positioning in the document being designed of given design elements or attributes from the structured data source, generating given program code; (Lloyd page 7, column 1, lines 7-40) The examiner interprets a "single multi-purpose style sheet as a "meta" style sheet. Lloyd teaches as shown in figure 14, code is generated when attributes are modified. The code is inserted into the document along with the tags.
- Automatically generating from the given program code two or more program code instances, wherein each of the program code instances is useful for generating the document being designed in a given output format (Lloyd page 7, column 1, lines 40-55). The application contains instructions for presenting a menu to output a style sheet of format type of HTML, WML and PDF files where the application code is automatically generated when the user selects the output selection from the menu to output the specific type. For example, the user selects output to HTML from the menu and the style sheet is scanned and a XSLT transformation occurs to output the HTML file.
- Selectively displaying a preview of an output document rendered as a result of applying a given one of the program code instances (Lloyd page 7, column 1, lines

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40-55 and Figure 18). Lloyd teaches the ability to export two or more style sheet types for display (see also figure 14) where the user can specifically select the output type they want to see.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Second rejection starts here:

7. **Claims 1, 15 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Altova et al (hereinafter Altova) "Stylevision 5 User and Reference Manual" Published 2003.**

In regard to **Independent claim 1**, Altova teaches a data processing system having a windows-based graphical user interface (GUI), the improvement comprising:

- *An integrated visual design environment having a first display panel in which a structured data source is displayed, and a second display panel for displaying a document being designed from the structured data source;* (Altova Page 273, bottom)
Altova shows a IDE with a first and second display panel that is displaying a structured data source.
- *Code responsive to selection and positioning in the second display panel of given design elements or attributes from the structured data source for generating a meta style sheet;* (Altova page 271, Para 3, lines 1-3 and Para 7, lines 1-4 and page 279)
Altova teaches the creation of a template or XSLT style sheet, which could be considered a meta style sheet.

- *Code for automatically generating from the meta style sheet two or more style sheets from within the integrated visual design environment, wherein each of the style sheets is useful for generating the document being designed in a given output format* (Altova page 271, Para 7 - 9). Altova teaches the code for automatically generating and previewing HTML and PDF formats (as shown on page 328, bottom) with the preview tabs for displaying the HTML and PDF files that are generated from the new template the user has created.

In regard to **Independent claim 15**, Altova teaches a data processing system having a windows-based graphical user interface (GUI), comprising:

- *A display environment having a first display panel in which a structured data source is displayed, and a second display panel for displaying a document being designed from the structured data source, wherein the data source is selected from a set of data sources including: an XML document, an XML schema, a DTD, an EDI document, a relational database, and a Web service;* (Altova Page 273, bottom)

Altova shows a IDE with a first and second display panel that is displaying a structured data source. The data source can be either a XML file or DTD file as shown on page 271, Para 1) and page 369 where HTML is directly imported into the IDE.

- *Code responsive to selection and positioning in the second display panel of given design elements or attributes from the structured data source for generating given program code;* (Altova page 271, Para 3, lines 1-3 and Para 7, lines 1-4 and page 279) Altova teaches the creation of a template or XSLT style sheet, which could be considered a meta style sheet. Altova shows the code as inserted into the second panel when the user modifies the attributes for a given content element. For example as shown in page 275 the "contents" code is shown in the designer between two italic

tags in which a user selects the HTML preview button the contents location will be filled in with actual content data as shown on page 280. Which is an example of inserting code that is responsive to selection of a given content element.

- *Code for automatically generating from the given program code two or more program code instances from within the integrated visual design environment, wherein each of the program code instances is useful for generating the document being designed in a given output format* (Altova page 271, Para 7 - 9). Altova teaches the code for automatically generating and previewing HTML and PDF formats (as shown on page 328, bottom) with the preview tabs for displaying the HTML and PDF files that are generated from the new template the user has created.

In regard to **Independent claim 20**, Altova teaches a display method operative in a data processing system having a windows-based graphical user interface (GUI), comprising:

- Displaying, in juxtaposition, a structured data source and a document being designed from the structured data source, wherein the data source is selected from a set of data sources including: an XML document, an XML schema, a DTD, an EDI document, a relational database, and a Web service; (Altova Page 273, bottom)
Altova shows a IDE with a first and second display panel that is displaying a structured data source. The data source can be either a XML file or DTD file as shown on page 271, Para 1) and page 369 where HTML is directly imported into the IDE. Altova shows in the display the data source in a juxtaposed position where the elements in a tree are on the left and shown juxtaposed in the preview window on the right.
- Responsive to selection and positioning in the document being designed of given design elements or attributes from the structured data source, generating given program code; (Altova page 271, Para 3, lines 1-3 and Para 7, lines 1-4 and page 279) Altova teaches the creation of a template or XSLT style sheet, which could be

considered a meta style sheet. Altova shows the code as inserted into the second panel when the user modifies the attributes for a given content element. For example as shown in page 275 the "contents" code is shown in the designer between two italic tags in which a user selects the HTML preview button the contents location will be filled in with actual content data as shown on page 280. Which is an example of inserting code that is responsive to selection of a given content element.

- Automatically generating from the given program code two or more program code instances, wherein each of the program code instances is useful for generating the document being designed in a given output format (Altova page 271, Para 7 - 9). Altova teaches the code for automatically generating and previewing HTML and PDF formats (as shown on page 328, bottom) with the preview tabs for displaying the HTML and PDF files that are generated from the new template the user has created.
- Selectively displaying a preview of an output document rendered as a result of applying a given one of the program code instances (Altova page 328) Shows two figures which are representative of the IDE where there are tabs located on the bottom portion of the window where a user can select a HTML preview or PDF-preview of a given document anytime they desire, which is a form of selectively displaying a preview of an output document.

Response to Arguments

8. Applicant's arguments filed 03/09/2006 have been fully considered but they are not persuasive. The examiner respectfully notes that MPEP 2123 states that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including non-preferred embodiments. Therefore, merely mapping the claims of the cited reference used as

prior art to the present application claims would limit the disclosure of the prior art to the claimed subject matter and not incorporate unclaimed subject matter in the specification or the full scope of the prior art or even what may be suggested by the art. The examiner will respond to the arguments presented to the examiner with the consideration that the claims of Lloyd do not describe or disclose the entire invention of Lloyd or contributions to the art or what would have been suggested to one of ordinary skill in the art at the time of the invention.

Applicant's argument that Lloyd does not teach an integrated visual design environment for automatically generating a meta stylesheet

Applicant argues that claims 1, 12, 13, 14, 15, 16, 18, 19 and 32 of Lloyd do not teach an integrated visual design environment having a first and second display panel together with code responsive to selection and positioning in the second panel of given design elements and attributes for generating a meta stylesheet because the applicants interpret the claims as not teaching an interface and only encompass a single stylesheet.

The Examiner disagrees.

The independent claims of Lloyd may not refer to an visual design environment, however, the specification of Lloyd expressly teaches an integrated design interface with more than two panels that contains code that is responsive to user selections and for generating a stylesheet that is capable of displaying information in more than one format, which the examiner considers a single application capable of generating two or more stylesheets from a single sheet (See figure 2 and page 3, column 1, lines 50-67 and column 2, lines 40-67 and Figures 3-11 and page 5, column 2, lines 20-50).

Applicant's argument that Lloyd does not teach a structured data source and a document being designed from the data source within the environment

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Applicant argues that the claims 15, 16, 18, 18 and 32 Lloyd do not teach the displaying of a structured data source, in juxtaposition, and a document being designed from the data source because the claims of Lloyd do not expressly mention the limitations.

The Examiner disagrees.

The claims of Lloyd may not mention an integrated visual environment for displaying a structured data source, however, as indicated in the discussion above the specification of Lloyd does teach an integrated environment see Figure 2 and 14 and shows the displaying of a document and where the data source from the document is a structured document from an input file (see page 3, column 1, lines 60-67 and page 4, column 1, lines 1-35).

Applicant's argument that the reference manual should be withdrawn

Applicant argues that pursuant to 37 CFR 1.132 the manual of Altova is the applicant's own work and should be removed as a reference.

The Examiner disagrees.

The Examiner presented substantially identical arguments in the above discussion and the rationale applies the same as above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kevin Williams et al. " XSLT 2.0 and early look", July 01, 2002.
- **XSL Transformations (XSLT) Version 2.0, W3C Working Draft 12 November 2003** <http://www.w3.org/TR/2003/WD-xslt20-20031112/>

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT



WEILUN LO
SUPERVISORY PATENT EXAMINER